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February 3, 2025

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MEMORANDUM ENDORSED

The Honorable Gregory H. Woods
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: 1:24-cv-08971-GHW; Plaintiff's Request for an Extension of Time Within Which to Effectuate Service on Defendant

Dear Judge Woods,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe.

On November 23, 2024, Plaintiff filed the instant case against John Doe subscriber assigned IP address 207.38.145.104 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol.

On December 27, 2024, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference ("Motion for Leave") in order to serve a third party subpoena on Defendant's ISP.

On December 30, 2024, the Court granted Plaintiff leave to serve a third-party subpoena. Plaintiff served Defendant's ISP with a third-party subpoena on or about January 10, 2025, and in accordance with the time allowances provided to both the ISP and Defendant, expects to receive the ISP response on or about February 18, 2025.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than February 21, 2025.

Because Plaintiff does not expect to receive the ISP response until February 18, 2025, and Defendant's identity is unknown to Plaintiff at this time, Plaintiff is unable to comply with the current deadline to effect service of process.

Plaintiff respectfully requests that the deadline to effect service be extended for an additional sixty (60) days, and thus the deadline to effect service be extended to April 22, 2025. This extension should allow Plaintiff time to receive the ISP response, to conduct a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action, and, if a good faith basis continues to exist, to proceed against that individual (or someone else), amend the Complaint to name the Defendant and attempt to effect service of process on that individual.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended to April 22, 2025.


Respectfully Submitted,

By: /s/Jacqueline M. James
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Application granted. Plaintiff's February 3, 2025 request for an extension of time to effectuate service of the summons and Amended Complaint on Defendant, Dkt. No. 11, is granted. The deadline for Plaintiff to effectuate service of the summons and Amended Complaint on Defendant, is extended to April 22, 2025. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 11.

SO ORDERED.

Dated: February 6, 2025
New York, New York


GREGORY H. WOODS
United States District Judge